


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 231-233 East North Avenue		

TO

Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: November 19, 2012

REQUEST

The Department of Planning has received Phillip Scott's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Friendly Outreach Services, to use the premises as 19 dwelling units, including 15 dwelling units and 4 efficiency units. We understand that this appeal is scheduled for hearing on November 27, 2012.

SITE

231-233 East North Avenue is located on the southwest corner of the intersection with Guilford Avenue. This property measures approximately 41'4" by 120' and is currently improved with a combined four- and three-story multiple-family building covering the entire lot. This site is zoned O-R-2 and is located within the Greenmount West Urban Renewal Plan area and the North Central National Register Historic District. The property is across North Avenue from the current headquarters offices of the Baltimore City Public School System.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§5-201). In this case, the property was last authorized for use as a multiple-family dwelling, which is a permitted use in this O-R Office-Residence District.

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than one family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located (§3-305.b.1). This property is currently vacant, and thus has returned to single-family dwelling status under the Zoning Code; however, Ordinance 472 approved February 10, 1995 authorized use of the property for 40 units of housing for the elderly pursuant to §5-204 of the Zoning Code.

Urban Renewal Plan: This property is located in the Greenmount West Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit, and 375 square feet of lot area per efficiency unit (§5-206.c). In this case, for 15 dwelling units, 7,975 square feet of lot area is required; and for four efficiency units, 1,500 square feet of lot area is required. The lot only encloses 4,959.6 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: (1) 25% of the applicable regulation (§15-202). In this

case, the proposed amount of variance would be 47.7%. The variance requested exceeds the discretionary range of the Board and so should not be allowed unless the Board finds that the application may be considered under "Discontinuance" (see below).

Discontinuance: Whenever the active and continuous use of a dwelling unit in a non-complying multiple-family structure subject to this Part II has been discontinued for 12 consecutive months: (1) the discontinuance constitutes an abandonment of that dwelling unit, regardless of any reservation of an intent to resume active use of or to reoccupy the unit or otherwise not to abandon it; and (2) the number of dwelling units allowed to continue in the structure is reduced by 1 (§13-512.a). This property was authorized for use as 22 dwelling units according to a certificate of occupancy issued in 1972 (prior to the adoption of Ordinance 472 cited above under "Conversion of dwellings"). If enactment of the ordinance did not cause termination of the certificate of occupancy previously issued, then this application would be consistent with the requirements of §13-512.a.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, multiple-family dwellings require one off-street parking space per 2 dwelling units, and one off-street parking space per 4 efficiency units (§10-405.1.iv). For 15 dwelling units, 8 parking spaces are required; for 4 efficiency units, 1 parking space is required; none are provided, and none can be provided that meet the accessibility requirements of the Zoning Code because McAllister Street, at the rear of the property, is only 14' wide.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 100%, which is greater than the variable amount the Board may authorize.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of variances of both the lot area requirements and the off-street parking requirements that would be required for approval would exceed the discretionary authority provided to the Board in the Zoning Code.

TJS/wya/mf

cc: Phillip Scott, Appellant